

Appl. No. : 10/559,801
Filed : December 8, 2005

REQUEST FOR ENTRY OF AMENDMENT TO DRAWING

Please replace Figure 1 as originally filed with the enclosed replacement Figure 1.

REMARKS

Claims 1 and 3-5 have been amended. Claim 2 has been canceled, and its subject matter has been incorporated into claims 1, 4 and 5. New claims 6-9 have been added. Support for the amendment to claims 1, 4 and 5 may be found in original claim 2, in FIG. 2; and in the specification at page 7, lines 4-5. Support for new claims 6 and 7 may be found in FIG. 2, and in the specification at page 6, line 25 to page 7, line 3. Support for new claim 8 may be found in FIG. 2. Support for new claim 9 may be found in FIGS. 3 and 4, and in the specification at page 7, lines 21-23. Thus, no new matter has been added and entry of these amendments is respectfully requested.

Request for Entry of Drawing Changes

As requested above, please replace Figure 1 as originally filed with the enclosed replacement Figure 1. The Examiner objected to Figure 1 because the cross hatching was inconsistent with the plastic material illustrated in Figs 2-4. Appropriate correction has been made. Thus, no new matter has been added, and entry of this drawing change is respectfully requested.

Objection to title

The Examiner objected to the title as not being descriptive, and requested a new title that is clearly indicative of the claimed invention. The amended title now includes a technical or inventive feature of the claimed invention. Thus, reconsideration and withdrawal of the objection are respectfully requested.

Objection to abstract

The Examiner objected to the abstract as containing improper legal phraseology such as "according to the present invention" and "the present invention provides." Enclosed herewith is a revised abstract which does not contain these terms.

Claim objections

Claims 1-5 were objected to based on the recitation of "bend and deformed" which is grammatically incorrect. Appropriate corrections have been made. Thus, reconsideration and withdrawal of the objection are respectfully requested.

Rejections under 35 U.S.C. § 112, second paragraph

The Examiner rejected claims 2-5 as allegedly being indefinite because it is unclear what is intended by "the positioning protrusion is integrated with the inner seal." Claim 2 has been canceled, and amended claims 1, 4, and 5 recite, "the positioning protrusion is integrated with the inner seal projection so as not to have a gap therebetween in the radial direction of the synthetic resin cap." Thus, the intent of the term "integrated" is now clear.

The Examiner objected to claim 3 based on recitation of "a skirt-like shape." Claim 3 as amended no longer recites this term. Claim 3 was also rejected as lacking antecedent basis for the term "the opening seal projection." Claim 3 as amended recites "the opening edge seal projection", which clearly has antecedent basis in claim 1, lines 6 and 8.

The Examiner stated that the preamble of claim 4 set forth the combination of a container and a cap, and that recitation of "a container opening" sets forth an additional container opening. Claim 4 as amended recites "the opening of the container", referring to the previously mentioned container opening, rather than reciting "a container opening", at line 5. Thus, an additional container opening is no longer set forth.

Claim 5 was rejected based on recitation of "a container-filled beverage" in the preamble, which incorrectly indicates that the beverage is filled with a container. The preamble to claim 5 no longer recites this term. Instead, the claim recites "a beverage filled in a closing device having a container."

In view of the comments presented above, Applicants respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C. § 112, second paragraph.

Rejections under 35 U.S.C. §102

Claims 1, 2, 4, and 5 were rejected under 35 U.S.C. § 102(e) as being anticipated by Limanjaya (US 6,581,792).

Claims 1, 2, 4, and 5 were rejected under 35 U.S.C. § 102(b) as being anticipated by Dutt (US 4,560,077).

Claim 2 has been canceled, thus rendering the rejections moot as they apply to this claim. The rejections will be addressed as it relates to the remaining claims. Claims 1, 4, and 5 as amended recite, “the positioning protrusion is integrated with the inner seal projection so as not to have a gap therebetween in the radial direction of the synthetic resin cap.”

In the presently claimed invention, when the synthetic resin cap is attached to the container opening, the inner seal projection fits into the container opening, thereby precisely locating the cap coaxially in relation to the container opening. Therefore, the inner seal possesses a cap locating function. Since the positioning protrusion is integrated with the inner seal projection so as not to have a gap therebetween in the radial direction, the container opening is stably guided to the positioning protrusion, even when the inner seal projection is deformed as the cap is tightened. Accordingly, the positioning protrusion can stably meet with the container opening and locate the cap in the direction along the cap axis, resulting in reliably obtaining the appropriate hermeticity and disconnecting torque. This feature is neither disclosed nor suggested by Limanjaya or Dutt. Thus, claims 1, 4 and 5 cannot be anticipated by either of these references.

Rejections under 35 U.S.C. § 103(a)

Claims 1-5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Thompson (US 6,126,027) in view of Dutt. As discussed above, Dutt does not disclose the recitation that “the positioning protrusion is integrated with the inner seal projection so as not to have a gap therebetween in the radial direction of the synthetic resin cap.” Thompson also does not disclose this feature. Thus, the combination of these references would not lead one having ordinary skill in the art to produce the presently claimed invention. As such, they cannot render the present claims obvious.

Moreover, Dutt actually teaches away from integration a positioning protrusion with an inner seal portion so not to have a gap therebetween. For example, Dutt indicates the following in the Abstract: “A load stop ring is positioned between, and separated from the seal flanges on the inner surface of the closure cap.” Thus, in accordance with the teachings of Dutt, a positioning protrusion cannot possibly be integrated with the inner seal projection so as not to

have a gap therebetween. This teaching clearly teaches away from the claimed invention, thereby leading one having ordinary skill in the art away from, rather than toward the present invention.

Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Limanjaya (US 6,581,792) in view of Thompson (US 6,126,027). As discussed above, neither of these references teach that "the positioning protrusion is integrated with the inner seal projection so as not to have a gap therebetween in the radial direction of the synthetic resin cap" as recited in the present claims. Thus, claim 3 cannot be rendered obvious by these references.

In view of the comments presented above, Applicants respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a).

CONCLUSION

All claims are, therefore, believed to be fully in condition for allowance. However, if minor matters remain, the Examiner is invited to contact the undersigned at the telephone number provided below. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

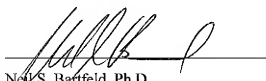
Respectfully submitted,

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Dated: _____

9/23/08

By: _____


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